

On November 16, 2000, the jury returned a verdict in favor of defendants and against plaintiff, Kristina Goers. Pursuant to 28 U.S.C. § 1920 and Fed. R. Civ. P. 54(d), defendants moved for an award of costs in the amount of \$7,077.85. Plaintiffs were given the opportunity to respond to defendants' bill of costs by February 23, 2001. Since I have received no response to date, I rule in its absence.

As a preliminary matter, I wish to make it clear that defendants were the prevailing party in both the action brought by Kristina Goers and the action brought by Michael Delia. At trial, Mr. Delia's account of the events of July 1, 1997 did not support his claims for unreasonable search and seizure and excessive force. Accordingly, at the close of plaintiffs' case, defendants moved for judgment as a matter of law with respect to Mr. Delia's claims. Mr. Delia's counsel, who doubtless understood that I was on the verge of granting defendants' motion, moved to voluntarily dismiss Mr. Delia's claims. I granted the motion for voluntary dismissal. While a defendant is typically not considered a prevailing party under § 1920 in a case in which the court grants plaintiff's motion to voluntarily dismiss without prejudice, here, Mr. Delia's claims were dismissed on the merits with prejudice. Defendants are entitled to recover costs from Mr. Delia as well as Ms. Goers.

I turn now to the reasonableness of the bill of costs. Under § 1920, reasonable costs include fees for deposition transcripts, fees for printing and witnesses, and fees for copies of papers necessarily obtained for use in the case, among others.

Deposition costs and subpoena fees. Defendants seek deposition costs and subpoena fees in the amount of \$3,131.50 and \$344 respectively. Defendants took ten depositions, which was reasonable given the number of parties and witnesses in the case. The transcript costs fall well within the limits prescribed by the Judicial Conference (\$3.00 per page for original transcripts and \$.75 per page for one additional copy).

Photocopying fees. Section 1920(4) allows me to tax as costs "[f]ees for exemplification and copies of papers necessarily obtained for use in the case." See *Kulmani v. Blue Cross Blue Shield Ass'n*, 2000 WL 1185566 *3 (7th Cir. Aug. 22, 2000). Defendants ask me to tax plaintiffs at the rate of \$.20 per page. In my discretion, I find that the rate of \$.20 per page is excessive, especially in the absence of any showing that defendants are actually out-of-pocket at the rate of \$.20 per page. See *McCraven v. City of Chicago*, 2001 WL 62573 (N.D. Ill. 2001) (finding the \$.20 per page cost excessive). I reduce the rate to \$.15 per page. I will allow defendants to recover the costs of three copies of pleading motions and trial exhibits. I will not award the costs of copies to be retained by defendants' counsel. Accordingly, the cost of photocopying fees is reduced from \$487.60 to \$250.65.

Printing fees. Defendants seek reimbursement for the cost of producing color prints and reproductions of charts and graphs. As long as a photographic reproduction "further the illustrative purpose of an exhibit ... it is potentially compensable as exemplification." See *Cefalu v. Village of Elk Grove*, 211 F.3d 416, 428 (7th Cir. 2000). Here, the enlarged photographs of the scene of the incident were relevant and helpful to jurors given factual disputes about where and how the alleged police misconduct took place. Having said that, defendants would have me tax plaintiffs \$2093 for the cost of thirteen enlarged and mounted photographs. Thirteen enlarged photographs were not necessary in this case. The entire incident took place at a single location which could have been adequately represented to jurors with three or four photographs at most. I do not recall anything near thirteen photographs being used at trial. I am reducing the cost of the enlarged photographs by one-third to \$1,395.34.

I grant defendants' motion for a bill of costs in part. Plaintiffs shall pay defendants \$6,143.24 in

costs.